IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 4962 of 2004(N)

PETITIONER:

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1. K.T.SAIDU,
   PRESIDENT, MOTOR AND ENGINEERING WORKERS UNION
   (CITU) (AUTORICKSHAW SECTOR), AREA COMMITTEE,
   PERINTHALMANNA.

2. K.VISWANATHAN,
   SECRETARY, MOTOR AND ENGINEERING WORKERS UNION
   (CITU) (AUTORICKSHAW SECTOR), AREA COMMITTEE,
   PERINTHALMANNA.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   REVENUE DEPARTMENT, SECRETARIAT,THIRUVANANTHAPURAM

2. THE DISTRICT COLLECTOR,
   MALAPPURAM, CIVIL STATION, MALAPPURAM.

3. REVENUE DIVISIONAL OFFICER,
   PERINTHALMANNA.

4. MUSTHAFA POOKOYA THANGAL,
   SECRETARY, C.H.MOHAMMED KOYA CULTURAL CENTRE,
   PERINTHALMANNA.

BY GOVERNMENT PLEADER SHRI. MUHAMMED PUZHAKKARA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 4962/04

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE INTIMATION ISSUED BY THE ADDL. TAHSILDAR, PERINTHALMANNA NO: 7338/2002/H3 DT. 16.1.2004

EXT.P2: -DO- ISSUED BY THE R.D.O NO: F.E.10052/2003/L.DIS DT. 19.1.2004

EXT.P3: -DO- OF THE MINUTES OF THE MEETING OF THE ASSIGNMENT COMMITTEE HELD ON 15.11.2003

EXT.P4: -DO- OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE DISTRICT COLLECTOR DT. 29.12.2003.

jj /TRUE COPY/

P.A TO JUDGE

KURIAN JOSEPH, J.

W.P.(C). NO. 4962 OF 2004

Dated this the 26th day of November, 2007.

J U D G M E N T

The writ petition is filed with the following prayers:

> i) call for the entire records leading to the assignment of land comprising in Survey No.93/2 of Perinthalmanna Village and Taluk in favour of the 4th respondent by respondents 2 and 3 and to quash the same;
>
> ii) Issue a writ, order or direction commanding and compelling the respondent not to assign land comprising in Survey No.93/2 of the Perinthalmanna Village and Taluk without following the procedure laid down in the Assignment of Land within Municipal and Corporation Area Rules, 1995;
>
> iii) declare that the land situated in Municipal area cannot be assigned to any person by the District Collector or revenue officer without following the procedure laid down in the law.

It is seen that the petitioners have approached the 2nd respondent by Ext.P4. There will be a direction to the 2nd respondent to look into Ext.P4 with notice to the petitioners and the 4th respondent and pass appropriate orders thereon in accordance with law before passing an order of assignment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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